

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Alan McLeod et al. Art Unit: 3733  
Serial No.: 10/594,377 Examiner: Michelle Eckman  
Filing Date: August 26, 2008 Conf. No.: 2324  
Title: POROUS IMPLANT FOR SPINAL DISC NUCLEUS REPLACEMENT

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**Certificate of Transmission:** I hereby certify that this paper or fee is being transmitted to the United States Patent and Trademark Office via EFS-Web on August 29, 2011.

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Name: Marjorie Jarvis

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97 & § 1.98**

Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08/a. The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted after mailing of a first Office Action on the merits and before the mailing date of a final action, notice of allowance or an action that closes prosecution of the application and is accompanied by the fee set forth in 37 C.F.R. § 1.17(p).

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08/a, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been

made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-2040** referencing docket number **174US1**.

Respectfully submitted,  
NuVasive, Inc.

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